

## SUSSMAN & ASSOCIATES

- Attorneys at Law -

MICHAEL H. SUSSMAN  
JONATHAN R. GOLDMAN

1 Railroad Ave. - Suite 3  
P.O. Box 1005  
Goshen, New York 10924

LEGAL ASSISTANT  
GERI PRESCOTT

(845) 294-3991  
Fax: (845) 294-1623  
sussman1@frontiernet.net

June 10, 2019

Honorable Marian W. Payson  
Magistrate Judge  
United States District Court -WDNY  
100 State Street  
Rochester, NY 14614

Re: **Bingham v. Rynkewicz, 16 cv 6829**

Dear Magistrate Judge Payson,

I write in response to a letter dated June 7, 2019 from Ms. Ellen Bingham who is the representative of the estate of her late son, Kenneth. I began this case representing Mr. Bingham, who then passed away. At the time of his release from State prison, Mr. Bingham was taken in by one of his sisters, Kim Martin. Before this, Ms. Martin had advised me of the case her brother had arising from defendant's conduct. I had been working with Mr. Bingham during the last months of his incarceration and learned from him and Ms. Martin that Bingham had no relationship with his mother. This continued following his release from state prison and until his death.

After internal family disputation concerning the issue, Ms. Bingham was appointed to serve as administrator of her late son's estate. I have spoken with Ms. Bingham on the phone on several occasions and met with her to explain the litigation process. She has no information pertinent to this lawsuit.

During our meeting, I told her that Ms. Kim Martin was NOT my client in this matter, that the estate was and that she was the person representing the estate. I never advised Kim Martin with regard to the "estate" issues and, while I did represent her successfully in a whistle blowing case involving her [former] public employer, she has had nothing to do with this case in any way. The claim that Ms. Martin has had anything to do with this case since her brother's passing is baseless and false.

If checked, please respond to one of our office located at:

☐ 11 Fowler St.  
Port Jervis, N.Y. 12771  
(845) 294-3991

☐ 159 Canal St.  
Ellenville, N.Y. 12428  
(845) 294-3991

☐ 42 W. Main St.  
Liberty, NY 12754  
(845) 294-3991

I intend to speak with Ms. Bingham between now the scheduled mediation, two weeks hence, and will explain that process to her and assist her in formulating a demand as against defendant. I welcome her attendance at the mediation and, contrary to her statements, did advise her of this process when we met.

I have committed no wrongdoing, let alone some egregious act of wrongdoing. Rather, I am litigating the case on behalf of the estate, notwithstanding its representatives' attitude.

Yours respectfully,

  
Michael H. Sussman

cc: Counsel of record & Ms. Bingham

This Court has reviewed  
this letter from Mr. Sussman,  
but notes that it has not  
received the June 7, 2019  
letter from Ms. Bingham  
referenced in Mr. Sussman's  
correspondence.

Maia W. Payton  
US Magistrate Judge  
6/13/19